

CALIFORNIANS AGAINST WASTE
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April 7, 1995

Mr. Tom Torlakson, Chair
Delta Protection Commission
14219 River Road
P.O. Box 530
Walnut Grove, CA 95690

Dear Mr. Torlakson:

We write concerning the Delta Protection Commission's decision at its February board meeting to incorporate a ban on the agronomic use of biosolids (sewage solids meeting EPA's Section 503 standards for pollutant content) within the Sacramento-San Joaquin Delta region. Land application of biosolids presents a significant opportunity for beneficially reusing materials that might otherwise contribute to waste disposal and/or water quality problems. This accounts for the fact that land application – subject to the constraints and safeguards afforded by the existing regulatory framework – enjoys significant support from environmental organizations and regulatory agencies concerned with water quality and solid waste management.

We have two concerns about the Commission's decision to impose a ban on biosolids. Our first concern is with the action itself. Land application of biosolids offers potentially significant benefits to the Delta that would appear to contribute to rather than impede the achievement of the objectives of the Delta Protection Act. These include benefits to water quality (resulting from the fact that biosolids generally contain soluble heavy metals in lesser quantities than the fertilizers they replace), economic benefits to the farm community (estimated at \$50 - \$75 per acre per year of application), and the regional benefits of avoided landfilling of sewage sludge. In short, precisely because of the sensitive water quality issues in the Delta and the importance of agriculture within the Delta, we believe the Commission erred in incorporating a blanket ban on biosolids use within the Delta Protection Plan. At a minimum, we believe that the Delta Protection Commission should have consulted with other regulatory agencies with jurisdiction over biosolids to determine whether the concerns of the DPC could have been addressed through

revisions to existing regulations or processes rather than resorting to a ban.

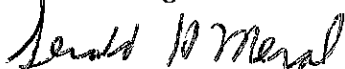
Second, we have concerns about the process by which the Commission reached a decision to impose a ban on the agronomic use of biosolids within the Delta. Specifically, it is apparent to us that the Commission failed to comply with the mandates of the California Environmental Quality Act (CEQA) in reaching a decision to ban biosolids. CEQA requires analysis of the environmental impacts of a proposed action (such as a ban on biosolids use), consideration of alternatives to any action leading to an unmitigable impact, and identification and implementation of mitigation measures where feasible. Moreover, CEQA requires notice to parties affected by a proposed action; the Delta Protection Commission failed to provide notice of the proposed ban on biosolids to organizations, such as ours, long involved in water quality, solid waste and related policy areas. CEQA imposes these obligations on a public agency both when that agency is required to prepare an EIR and when that agency's process has been certified as the "functional equivalent" of an EIR.

Based on these concerns, we urge the Delta Protection Commission to reconsider its position on biosolids.

Sincerely,



Mark Murray, Executive Director
Californians Against Waste



Jerry Meral, Executive Director
Planning and Conservation League

cc: Ms. Margit Arambaru, Executive Director
Delta Protection Commission